

09/894,331

MS180586.01/MSFTP298US

REMARKS

Claims 1-5, 8, 10-12, 16-20, 22-24, and 26-27 are currently pending in the subject application and are presently under consideration. It is noted that in previous prosecution claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Cseri *et al.* in view of Houben *et al.* (US 2002/0147745). However, as was noted by applicants' representative in the Reply of Final Office Action dated August 10, 2005, Cseri *et al.* is not a citable reference with respect to the subject application. The following is a quotation of 35 U.S.C. §103(c), which forms at least one basis for withdrawal of all rejections with respect to the subject claims:

(c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

It is respectfully submitted that Cseri *et al.* qualifies as art under 35 U.S.C. §102(e), and the subject matter of Cseri *et al.* and the claimed invention were under an obligation of assignment to Microsoft Corporation at the time the invention was made. Thus, dependent claim 9 as originally presented in previous prosecution is believed to have been allowable due to Cseri *et al.* being an improper reference under 35 U.S.C. §103. Accordingly, independent claims 1, 16 and 27 have been amended to incorporate aspects recited in claim 9 (which has been cancelled without prejudice or disclaimer herein). A listing of all claims is found at pages 2-5. Favorable consideration of the subject patent application is respectfully requested in view of the amendments herein.

09/894,331

MS180586.01/MSFTP298US

CONCLUSION

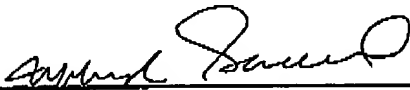
The present application is believed to be in condition for allowance, in view of the above amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP298US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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